IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.71 OF 2007

Satish Battu Patil & Anr. ...Applicants.
V/s.
The State of Maharashtra ...Respondent.

Shri S.J.Patil, adv. for the Applicants.
Smt.M.H.Mhatre, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 6th February, 2007.

P.C.:

1. Heard Mr.Patil, the learned counsel for the applicants and Mrs.Mhatre, the learned APP for the State.

2. The applicants who are accused nos.1 and 2 seek to be released on bail in Crime No.180 of 2006 registered at Badlapur Police Station for the offences punishable under Sections 498(A), 306, 304(B) read with Section 34 of the I.P.C.

3. Prosecution case in brief is that the deceased Vidya was the daughter of the complainant, Vimla Patil, she was married to applicant no.1 in April, 1998 and out of wedlock, they have one son and one daughter. Applicant no.2 is husband of sister of applicant no.1. It is alleged that he had an evil eye on the deceased

Vidya but she did not respond to his gestures and advances therefore, he used to instigate applicant no.1 to torture her. She had complained to her parents repeatedly about the same. On 9th December, 2006, she allegedly immolated herself because of the cruelty meted out to her by the present applicants. Later on she died in the hospital.

4. It appears that in the dying declaration recorded by the Special Executive Magistrate, she had stated that she had caught fire accidentally due to the flames of stove while she was cooking in the kitchen. However, as per the statement of her mother, Vidya had told her that she had immolated herself. Thus, there are two conflicting statements. There appears no case of dowry death. Taking into consideration the circumstances, I find that the applicants are entitled to be released on bail.

5. Applicant nos.1 and 2 are released in crime no.180 of 2006 on their executing P.R.Bond of Rs.15,000/- each with surety of like amount with the condition that they shall not tamper the prosecution evidence and shall not misuse the bail.

6. Application stands disposed off.

(J.H.Bhatia,J.)